IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4924 OF 2007

Shankar Arjun Jadhav.... Petitioner

versus

M/s. City & Industrial Development
Corporation of Mah. and ors..... Respondent.

Shri L.A.Sawant with V.M.Parkar for the petitioner.
Shri K.K.Tated with Ms. Matesha Jain for
Respondents 1 and 2.

CORAM; A.P. DESHPANDE, J.
DATED; 28TH JUNE, 2007

P.C.;

1. This petition is directed against an interlocutory order passed by the Member, Industrial Court, Thane, rejecting the application moved by the petitioner at Exh.U-2.

2. The petitioner joined the service with the respondent in the year 1971. At the time of entry in service, his date of birth was recorded as 15-6-1949 which date was also reflected in the School Leaving Certificate. Sometime in the year 1997, according to the petitioner, a circular was issued by the respondent calling upon the employees to make a representation if they want to have correction of the date of birth. The petitioner claims that he made

such representation and the date of birth came to be corrected from 15-6-1949 to 10-4-1950. However, when the petitioner was due to attain the age of superannuation, on the basis of date of birth being 15-6-1949, he was intimated accordingly. Aggrieved by the said communication, the petitioner filed a dispute before the Industrial Court and the rejection of the application for interim relief has given raise to the filing of this writ petition.

3. It is obvious that if and in case the petitioner succeeds in the main complaint, he can be adequately compensated by payment of salary for the period of difference. Thus there is no likelihood of any irreparable loss being caused to the petitioner.

4. Perused the order. The same does not call for any interference at the hands of this court in exercise of writ jurisdiction.

5. The learned counsel for the petitioner submits that the impugned order, though interlocutory, goes to decide the issue against the petitioner and thus the said order is bound to influence the Industrial Court while deciding the complaint on merit. The apprehension expressed by the learned counsel for the petitioner is ill-founded in as much as the

observations made in the impugned order are only primafacie in nature and the Industrial Court will decide the complaint uninfluenced by the observations made in the impugned order. Hence writ petition is summarily dismissed.

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